

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**YVETTE ARAGON,**

Plaintiff,

vs.

No. 10-CV-848 RHS

**CAROLYN COLVIN,**  
**Commissioner of Social Security,**

Defendant.

**ORDER FOR SUPPLEMENTAL BRIEFS ON PLAINTIFF'S MOTION FOR  
AN ORDER AUTHORIZING ATTORNEY FEES PURSUANT TO 42 U.S.C. § 406(b)(1)**

THIS MATTER comes before the Court on Plaintiff's Motion for Attorney Fees (Doc. 29). The Court orders supplemental briefing on the Motion regarding the enumerated issues below. Plaintiff's supplemental brief is due on or before Friday, August 16, 2013 and Defendant's response brief is due fifteen (15) days after Plaintiff's supplemental brief is filed.

**ISSUES TO ADDRESS**

1. The parties are requested to state the percentage of back benefits that Plaintiff's counsel is seeking and to briefly explain how they calculated the percentage.
2. Plaintiff's counsel is requested to explain "plus \$250 she paid for the filing fee, minus \$100 for the filing fee," as stated in Doc. 29 at 2.
3. Plaintiff's counsel is requested to clarify what costs were advanced to Plaintiff. Doc. 29 at 2 mentions \$172.10 and Doc. 29 at 4 mentions \$272.10.
4. Plaintiff's counsel is requested to explain how counsel arrived at \$1,038.73 for gross

receipts tax.

5. The parties are requested to provide authority regarding whether Plaintiff's counsel may deduct the gross receipts tax from Plaintiff's back benefits award.
6. Defendant is requested to address whether its position with regard to gross receipts tax pursuant to § 406(b) is any different from its position with regard to gross receipts tax pursuant to Equal Access to Justice Act fees, as stated in Doc. 23.
7. The parties may brief any other issue that they wish to bring to the Court's attention.

Robert Hayes Scott

Hon. Robert Hayes Scott  
United States Magistrate Judge